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NOTICE OF ALLOWANCE AND FEE(S) DUE

27045 7590 09/17/2009

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

EXAMINER

SAFAIPOUR, BOBBAK

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 09/17/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,840	09/23/2005	Jacobus Cornelis Haartsen	P16747-US1	5481

TITLE OF INVENTION: METHOD AND APPARATUS FOR CALCULATING WHETHER POWER LEVEL IS SUFFICIENT FOR DATA TRANSFER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	12/17/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

27045 7590 09/17/2009

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,840	09/23/2005	Jacobus Cornelis Haartsen	P16747-US1	5481

TITLE OF INVENTION: METHOD AND APPARATUS FOR CALCULATING WHETHER POWER LEVEL IS SUFFICIENT FOR DATA TRANSFER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	12/17/2009
EXAMINER	ART UNIT	CLASS-SUBCLASS				
SAFAIPOUR, BOBBAK	2618	455-522000				

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

- Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- A check is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/550,840	09/23/2005	Jacobus Cornelis Haartsen	P16747-US1	5481		
27045	7590	09/17/2009	EXAMINER			
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024				SAFAIPOUR, BOBBAK		
		ART UNIT		PAPER NUMBER		
				2618		
DATE MAILED: 09/17/2009						

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/550,840	HAARTSEN, JACOBUS CORNELIS	
	Examiner	Art Unit	
	BOBBAK SAFAIPOUR	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Interview 9/10/09.
2. The allowed claim(s) is/are 1,2,4-15 and 17-26.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

/Bobbak Safaipour/
Examiner, Art Unit 2618

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sidney Weatherford (Reg. #45,602) on September 10, 2009.

The application has been amended as follows:

1. (Currently Amended) A method for managing traffic in a network, involving a communication device with a limited power supply, comprising: ~~characterized by~~ determining a current level of available power in said power supply for transmitting and receiving functions of said communication device;

communicating said power level to a controller;

determining a current power drain rate of said power ~~source~~ supply detecting a need for data transfer associated with said communication device, wherein said data transfer is an incoming call to said communication device or ~~and~~ a request for transmission from said communication device;

determining a quantity of data relating to said data transfer;

calculating whether said power level is sufficient to effect the transfer of said quantity of data; ~~and signaling said controller to effect said data transfer according to said power level~~

Art Unit: 2618

~~calculations~~, wherein a quality of service level provided to the communication device in the network is changed in response to said power level calculations; and

wherein if said power level and said power drain rate are [[is]] sufficient to transfer said quantity of data, said controller includes: commencing the transfer of said quantity of data to the communication device, wherein

if said power level and said power drain rate are [[is]] not sufficient, transferring a portion of said quantity of data to the communication device and transferring the remainder of said quantity of data to a predetermined destination, the address of which is sent to the communication device for retrieving the remainder of said quantity of data.

~~instructions based on said power supply connections for one of receiving all of said data or receiving a portion of said data;~~

~~means for redirecting all of said data to a predetermined location; and~~

~~means for receiving the portion of said data and directing the remainder of said data to a predetermined address.~~

2. (Original) The method of Claim 1, further comprising:

storing initial parameters for said power supply of said communication device and periodically updating said power supply parameters, wherein said parameters include:

a drain rate for each communication service available to said communication device; and an initial power source level upon connection to the network.

3. (Canceled)

4. (Original) The method of Claim 1, wherein said communication device is a battery operated remote sensor and said network is a wireless network.

5. (Original) The method of Claim 4, wherein said network is a non-wireless network.

6. (Original) The method of Claim 1, wherein said communication device is a wireless mobile terminal and said network is a wireless network.

7. (Original) The method of Claim 6, wherein said traffic is voice traffic and a voice call is begun on said mobile terminal at a first quality of service level according to an initially determined power level and power drain rate of said mobile terminal battery, and said voice call is continued at a second quality of service level according to a subsequently determined power level and power drain rate of said mobile terminal battery.

8. (Currently Amended) The method of Claim 6, wherein a video message is presented for transfer and the audio portion of the message is transferred but the video portion is redirected to a predetermined address and a message is sent to inform a the recipient of said audio the location of said video portion.

9. (Original) The method of Claim 3, wherein said data comprises a Multimedia Messaging Service (MMS) message.

10. (Original) The method of Claim 3, wherein said data comprises a video message.

11. (Original) The method of Claim 1, wherein said communication device is a wireless modem.

12. (Original) The method of Claim 1, wherein said communication device is a cordless phone system and said network is a public switched telephone network (PSTN).

13. (Original) The method of Claim 1, wherein said communication device is a personal digital assistant and connects to a PSTN by wirelessly connecting to a computer connected to said PSTN

14. (Currently Amended) An apparatus for managing traffic in a network involving a communication device with a limited power supply, the apparatus comprising characterized by:
a transceiver for receiving and transmitting data messages;
a controller for monitoring a current power level of said power supply and a ~~calculated~~ power drain rate of said communication device, wherein said controller includes means for:
receiving all of said data messages;
redirecting ~~all of said~~ said data messages to a predetermined location; and

based on the current power level, receiving a portion of said data messages and directing the remainder of said data messages to a predetermined address based ~~on the power level~~; and means coupled to said power supply for determining said power drain rate of said communication device;

signal means for signaling said communication device to receive or transmit data messages according to said current power level and said power drain rate, wherein a quality of service level provided to the communication device in the network is changed in response to said power level calculations, wherein

if said current power level and said power drain rate are sufficient to transfer said quantity of data, said controller commencing the transfer of said quantity of data and

if said current power level and said power drain rate are not sufficient, said controller transferring a portion of said quantity of data to the communication device and transferring the remainder of said quantity of data to a predetermined destination, the address of which is sent to the communication device for retrieving the remainder of said quantity of data.

15. (Original) The apparatus of Claim 14, further characterized by:

a database for storing initial parameters for said power supply of said communication device and periodically updating said power supply parameters, wherein said parameters include:
a drain rate for each communication service available to said communication device; and
an initial power source level upon connection to the network.

16. (Canceled)

17. (Original) The apparatus of Claim 14, wherein said communication device is a battery operated remote sensor and said network is a wireless network.

18. (Original) The apparatus of Claim 17, wherein said network is a non-wireless network.

19. (Original) The apparatus of Claim 14, wherein said communication device is a wireless mobile terminal and said network is a wireless network.

20. (Original) The apparatus of Claim 19, wherein said traffic is voice traffic and a voice call is begun by said wireless mobile terminal at a first quality of service level according to an initially determined power level and power drain rate of a battery for said wireless terminal and said voice call is continued at a second quality of service level according to a subsequently determined power level and power drain rate of said battery.

21. (Currently Amended) The apparatus of Claim 14, wherein a video message is presented for transfer and the audio portion of the message is transferred but the video portion is redirected to a predetermined address and a message is sent to inform a ~~the~~ recipient of said audio the location of said video portion.

22. (Original) The apparatus of Claim 14 wherein said communication device is a wireless modem.

23. (Original) The apparatus of Claim 14, wherein said communication device is a cordless phone system and said network is a public switched telephone network (PSTN).

24. (Original) The apparatus of Claim 14, wherein said communication device is a personal digital assistant and connects to a PSTN by wirelessly connecting to a computer connected to said PSTN.

25. (Original) The apparatus of Claim 14, wherein said means for determining said power drain rate further comprises periodically determining said power drain rate associated with said communication device when said communication device changes location during data transmission.

26. (Original) The method of Claim 1, wherein the step of determining a current power drain rate of said power source further comprises the step of periodically determining said drain rate when said communication device changes location during data transmission.

Reasons for Allowances

The following is an examiner's statement of reasons for allowance:

Claims 3 and 16 have been cancelled.

Claims 1-2, 4-15, and 17-26 are allowable.

Consider **claim 1**, the best prior art of record found during the examination of the present application, **Szienski (UK Patent Application GB 2 366134 A)** in view of **Muramatsu (US 2001/0012774 A1)** and **in further view of Toshida et al. (EP 1 032 230 A2; hereinafter Toshida)**, fails to specifically disclose, teach, or suggest a method for managing traffic in a network, involving a communication device with a limited power supply, comprising: determining a current level of available power in said power supply for transmitting and receiving functions of said communication device; communicating said power level to a controller; determining a current power drain rate of said power supply detecting a need for data transfer associated with said communication device, wherein said data transfer is an incoming call to said communication device or a request for transmission from said communication device; determining a quantity of data relating to said data transfer; calculating whether said power level is sufficient to effect the transfer of said quantity of data; wherein a quality of service level provided to the communication device in the network is changed in response to said power level calculations; and if said power level and said power drain rate are sufficient to transfer said quantity of data, said controller commencing the transfer of said quantity of data to the communication device, wherein if said power level and said power drain rate are not sufficient, transferring a portion of said quantity of data to the communication device and transferring the remainder of said quantity of data to a predetermined destination, the address of which is sent to the communication device for retrieving the remainder of said quantity of data.

Claims 2 and 4-13 are allowable because it is dependent upon independent claim 1.

Consider **claim 14**, the best prior art of record found during the examination of the present application, **Szienski (UK Patent Application GB 2 366134 A)** in view of **Muramatsu (US 2001/0012774 A1)** and **in further view of Toshida et al. (EP 1 032 230 A2; hereinafter Toshida)**, fails to specifically disclose, teach, or suggest An apparatus for managing traffic in a network involving a communication device with a limited power supply, the apparatus comprising: a transceiver for receiving and transmitting data; a controller for monitoring a current power level of said power supply and a power drain rate of said communication device, wherein said controller includes means for: receiving all of said data; redirecting said data to a predetermined location; and based on the current power level, receiving a portion of said data and directing the remainder of said data to a predetermined address and means coupled to said power supply for determining said power drain rate of said communication device; signal means for signaling said communication device to receive or transmit data according to said current power level and said power drain rate, wherein a quality of service level provided to the communication device in the network is changed in response to said power level calculations, wherein if said current power level and said power drain rate are sufficient to transfer said quantity of data, said controller commencing the transfer of said quantity of data and if said current power level and said power drain rate are not sufficient, said controller transferring a portion of said quantity of data to the communication device and transferring the remainder of said quantity of data to a predetermined destination, the address of which is sent to the communication device for retrieving the remainder of said quantity of data.

Claims 15 and 17-26 are allowable because it is dependent upon independent claim 14.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOBAK SAFAIPOUR whose telephone number is (571)270-1092. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 10, 2009

/Bobbak Safaipour/
Examiner, Art Unit 2618

/Matthew D. Anderson/
Supervisory Patent Examiner, Art Unit 2618